



# Senate

General Assembly

**File No. 513**

February Session, 2018

Substitute Senate Bill No. 240

*Senate, April 16, 2018*

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT PROMOTING THE REPORTING OF CHILD ABUSE AND NEGLECT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-101e of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2018*):

3 (a) No employer shall (1) discharge, or in any manner discriminate  
4 or retaliate against, any employee who in good faith makes a report  
5 pursuant to sections 17a-101a to 17a-101d, inclusive, and 17a-103,  
6 testifies or is about to testify in any proceeding involving child abuse  
7 or neglect, or (2) hinder or prevent, or attempt to hinder or prevent,  
8 any employee from making a report pursuant to sections 17a-101a to  
9 17a-101d, inclusive, and 17a-103, or testifying in any proceeding  
10 involving child abuse or neglect. The Attorney General may bring an  
11 action in Superior Court against an employer who violates this  
12 subsection. The court may assess a civil penalty of not more than two  
13 thousand five hundred dollars and may order such other equitable

14 relief as the court deems appropriate.

15 (b) Any person, institution or agency which, in good faith, makes [,  
16 or in good faith does not make, the] a report pursuant to sections 17a-  
17 101a to 17a-101d, inclusive, and 17a-103 shall be immune from any  
18 liability, civil or criminal, which might otherwise [be incurred or  
19 imposed] arise from or be related to the decision to make a report  
20 pursuant to said sections and shall have the same immunity with  
21 respect to any judicial proceeding which results from such report  
22 provided such person did not perpetrate or cause such abuse or  
23 neglect.

24 (c) Any person who is alleged to have knowingly made a false  
25 report of child abuse or neglect pursuant to sections 17a-101a to 17a-  
26 101d, inclusive, and 17a-103 shall be referred to the office of the Chief  
27 State's Attorney for purposes of a criminal investigation.

28 (d) Any person who knowingly makes a false report of child abuse  
29 or neglect pursuant to sections 17a-101a to 17a-101d, inclusive, and  
30 17a-103 shall be fined not more than two thousand dollars or  
31 imprisoned not more than one year or both.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2018	17a-101e
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**Statement of Legislative Commissioners:**

In Subsec. (b), "is" was changed to "be" for proper grammar.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

#### **Municipal Impact:** None

#### **Explanation**

The bill eliminates immunity from civil or criminal liability for certain mandated reporters who fail to report abuse. To the extent that this change results in a criminal conviction and incarceration or probation results, the bill results in a potential cost. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900<sup>1</sup> while the average marginal cost for supervision in the community is less than \$700<sup>2</sup> each year.

#### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of offenders.

<sup>1</sup> Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

<sup>2</sup> Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

**OLR Bill Analysis****SB 240*****AN ACT PROMOTING THE REPORTING OF CHILD ABUSE AND NEGLECT.*****SUMMARY**

This bill eliminates current immunity from civil or criminal liability for any person, institution, or agency that, in good faith, does not report suspected child abuse or neglect or suspected sexual assault of a student to the Department of Children and Families (DCF) or law enforcement as required or permitted by law (see BACKGROUND).

The bill retains immunity for a person, institution, or agency that in good faith makes such a report and applies the immunity to civil or criminal liability that might otherwise arise from, or be related to, the decision to report the alleged abuse or neglect. Currently, the immunity applies to civil or criminal liability that might otherwise be incurred or imposed.

EFFECTIVE DATE: October 1, 2018

**BACKGROUND*****Reporting Child Abuse or Neglect***

By law, certain professionals (e.g., school employees, health professionals, coaches) are designated as mandated reporters of child abuse and neglect. As such, they must report to DCF or law enforcement within prescribed timeframes when, in the ordinary course of their employment or profession, they have reasonable cause to suspect or believe that a child (1) has been abused or neglected; (2) has an injury that is at variance with its given history; or (3) is at imminent risk of physical harm. The law permits a mandated reporter acting outside of his or her professional capacity or anyone else who has reasonable cause to suspect or believe that a child is in danger of

being abused or has been abused or neglected to report to DCF or law enforcement (CGS §§ 17a-101a, -103).

The law also requires any school employee to report to DCF or law enforcement when, in the ordinary course of his or her employment or profession, he or she has reasonable cause to suspect or believe that a student is the victim of sexual assault and the perpetrator is a school employee (CGS § 17a-101a).

***Related Bill***

sSB 479, reported favorably by the Judiciary Committee, also eliminates the current immunity from civil or criminal liability for failure to make a report of suspected child abuse or neglect. Additionally, it extends immunity to entities who provide professional medical intervention or assistance in child abuse or neglect proceedings.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 39      Nay 0      (03/28/2018)